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MAIL STOP PCT

Attorney Docket: 26581U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: Unknown

MARX, et al.

Examiner: Unknown

Serial Number: 10/524,821

International Application Number: PCT/EP2003/009622

Filing Date: February 18, 2005

International Filing Date: August 29, 2003

Title: **THE USE OF THE COMBINATION OF CICLESONIDE AND ANTIHISTAMINES FOR THE TREATMENT OF ALLERGIC RHINITIS**

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 34 (thirty-four) cited References;
- (4) Copies of 22 (twenty-two) cited References.


The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 27, 2005

By:



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FOR THE TREATMENT OF ALLERGIC RHINITIS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

☐ Certification report(e) below; and

☐ a check in the amount as required by 1.17(p).

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office

in counterpart foreign application not more than
th months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: *April 27*, 2005

By: 

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FORM PTO-1449

Atty. Docket: 26581U

Ser. Number: 10/524,821

INFORMATION DISCLOSURE CITATION

Inventor: MARX, et al.

Filing Date: February 18, 2005

Group Art Unit: Unknown

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	A1	5,733,901 A (corresponds to WO 94/22899 A1)	31 Mar. 1998	Gutterer			31 Mar. 1994
	A2	6,767,901 B1 (corresponds to WO 01/28562 A1)	27 Jul. 2004	Nagano et al.			20 Oct. 2000
	A3	6,297,227 B1	02 Oct. 2001	Johnson			09 Sep. 1999
	A4	5,164,194 A	17 Nov. 1992	Hettche			12 Jul. 1990
	A5	4,369,184	18 Jan. 1983	Stokbroekx et al.			29 Sep. 1980
	A6	3,813,384	28 May 1974	Vogelsang et al.			17 Jan. 1972
	A7	3,326,924	20 Jun. 1967	Villani			13 Dec. 1963
	A8	2004/0097486 A1	20 May 2004	Yanni			07 Nov. 2003
	A9	2004/0097474 A1	20 May 2004	Cagle et al.			12 Nov. 2003
	A10	2003/0008019 A1	09 Jan. 2003	Nishibe et al.			24 Jul. 2002
	A11	2002/0115680 A1	22 Aug. 2002	Meissner et al.			11 Oct. 2001
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	A14	01/22955 A2 + A3	05 Apr. 2001	WO			Abstract
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	A16	0 903 151 A1	24 Mar. 1999	EP			N/A
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	A21	98/48839 A1	05 Nov. 1998	WO			N/A
	A22	94/22899 A1	13 Oct. 1994	WO			Abstract
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	A28	03/105856 A1	24 Dec. 2003	WO			N/A
	A29	97/46243 A1	11 Dec. 1997	WO			N/A
	A30	97/01341 A1	16 Jan. 1997	WO			N/A

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	A31	Portmann, D., et al., "Acceptability of local treatment of allergic rhinitis with a combination of a corticoid (beclometasone) and an antihistaminic (azelastine)", <u>Rev-Laryngol-Otol-Rhinol</u> , Vol. 121, No. 4, Pgs. 273-279, (2000).
	A32	Mattila, M.J., et al., "Variations among non-sedating antihistamines: are there real differences?", <u>Eur J Clin Pharmacol</u> , Vol. 55, Pgs. 85-93, (1999).
	A33	Schmidt, B.M.W., et al., "The New Topical Steroid Ciclesonide Is Effective in the Treatment of Allergic Rhinitis", <u>J Clin Pharmacol</u> , Vol. 39, Pgs. 1062-1069, (1999).
	A34	Busse, W.W., et al., "Corticosteroid-sparing Effect of Azelastine in the Management of Bronchial Asthma", <u>Am J Respir Crit Care Med</u> , Vol. 153 Pgs. 122-127, (1996).

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.